



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

Ref: 8ENF-L

June 12, 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Larry King
Registered Agent for
Oilfield Disposal Services, Inc.
1056 Highway 20 North
Worland, WY 82401

Re: Oilfield Disposal Services, Inc.
Administrative Order, Pursuant to Section 7003 of RCRA

Dear Mr. King:

You have been identified as registered agent for Oilfield Disposal Services, Inc. ("ODS"). Therefore, enclosed please find a copy of the Administrative Order we are issuing today to Oilfield Disposal Services, Inc. ("Order"). The Order is issued under the authority of Section 7003 of the Solid Waste Disposal Act, as amended ("RCRA"), 42 U.S.C. § 7003, and relates to the remediation of the facility used for used oil recycling in the SW 1/4, Sections 17 and 18, T47N, R89W, Washakie County, WY, at latitude 44° 02.500' N, longitude 107° 33.607' W, in a rural/remote area approximately six (6) miles west of Tensleep, Wyoming.

In the Order the United States Environmental Protection Agency ("EPA") states that it has determined that an imminent and substantial endangerment exists at the facility because of the oily-sediment filled area, the oily wastewater, the light oily surface sheens, and inadequate netting which allowed for wildlife access. The order requires, among other things, that a plan be developed to ensure the cleanup and restrict the wildlife access.

EPA recommends that ODS pay particular attention to the following sections of the Order: section VII, Work to be Performed; section XVI, Opportunity to Confer, and Modification; and section XXI, Termination and Satisfaction. Each of these sections provides details on certain time critical elements of the order.



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Should you wish to obtain copies of any of the documents listed in the Administrative Record Index, please contact Emily Hnath, RCRA Records Center, USEPA, 999 18th St., Suite 300, Denver, CO, 80202-2466, telephone number 303-312-6422. If you have any questions, please feel free to call me at (303) 312-6891, or write to the above address and include the mail code 8ENF-L.

Sincerely,

SIGNED

Brenda L. Morris
Enforcement Attorney

Enclosure

cc: Randy Lamdin, ENF-T
Sharon Kercher, ENF-T
RCRA Records Center

copy via facsimile:

1. Gary Beach, Director
Wyoming Dept. of Environmental Quality(WDEQ)
Water Quality Division
Telefax No.: 307-777-5973
2. Jeff Hermansky, P.E., WDEQ
Water Quality Division
Northwest District Engineering Supervisor
Telefax No.: 307-332-3183
3. Pedro Ramirez, US FWS
Environmental Contaminants Specialist
Telefax No.: 307-772-2358
4. Donald Likwartz, Oil and Gas Commission
Telefax No.: 307-234-5306



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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION VIII**

Docket No. **RCRA-08-2003-0003**

IN THE MATTER OF:)

Oilfield Disposal Services, Inc.)

a/k/a LK Trucking)

P.O. Box 668)

Worland, Wyoming 82401)

Respondent.)

INITIAL ADMINISTRATIVE ORDER

PURSUANT TO

SECTION 7003 OF RCRA

I. JURISDICTION

The United States Environmental Protection Agency Region VIII ("EPA") issues this Order pursuant to its authority in section 7003(a) of the Solid Waste Disposal Act, as amended, 42 U.S.C. § 6901 et seq. (the "Act"), 42 U.S.C. § 6973(a).

II. INTRODUCTION

- A. Oilfield Disposal Services, Inc. ("ODS" or "Respondent"), is a "person" within the meaning of section 1004(15) of the Act, 42 U.S.C. § 6903(15).
- B. ODS has handled "solid waste" within the meaning of section 1004(27) of the Act, 42 U.S.C. § 6903(27) at a commercial oil field disposal facility located approximately at latitude 44° 02.500' N, longitude 107° 33.607' W, in the SW 1/4, Sections 17 and 18, T47N, R89W, Washakie County, WY (the "Facility").
- C. Based upon evidence received, EPA has determined that Respondent's handling of solid waste at the Facility may present an imminent and substantial endangerment to health or the environment within the meaning of Section 7003 of the Act, 42 U.S.C. § 6973 ("Section 7003").
- D. Pursuant to Section 7003(a) of the Act, EPA notified Mr. Gary Beach, Director of the Water Quality Division, Wyoming Department of Environmental Quality ("WDEQ") of this action on September 16, 2002. Pursuant to Section 7003(c) of the Act, EPA notified Dr. Beach Graham, County Health Officer, Washakie County Health Department on May 1, 2003.
- E. Documents comprising the administrative record for this Order are referred to as "AR- #." An index to the administrative record is provided as Attachment 1 to this Order.



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- F. EPA takes this action pursuant to Section 7003 having determined that the issuance of this Order is necessary to protect human health and/or the environment.

III. PARTIES BOUND

- A. This Order shall apply to and be binding upon Respondent, its employees, agents, successors and assigns.
- B. Respondent shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order within two (2) calendar days of the date of Respondent's receipt of this Order or date of such retention, and shall condition all such contracts on compliance with terms of this Order.
- C. Respondent shall give notice to EPA thirty (30) or more calendar days prior to transfer of ownership or operation of the Facility.

IV. FINDINGS OF FACT

- A. The Facility is located approximately in the SW 1/4, Sections 17 and 18, T47N, R89W, Washakie County, WY, at latitude 44° 02.500' N, longitude 107° 33.607' W, in a rural/remote area approximately six (6) miles west of Tensleep, Wyoming.
- B. According to the United States Fish and Wildlife Service ("FWS"), the area provides habitat to numerous grassland species of migratory birds. Species that may be present in the area include: swainson's hawk, ferruginous hawk, golden eagle, peregrine falcon, prairie falcon, wilson's phalarope, loggerhead shrike. These species are migratory birds of particular concern due to documented or apparent population decline; small population or limited distribution; or dependence on vulnerable or restricted habitats. The bald eagle, found throughout the State of Wyoming, is a threatened species; the mountain plover, found in grasslands and prairie dog towns, is proposed for listing as a threatened species pursuant to the Endangered Species Act of 1973, as amended. In addition, waterfowl, shorebirds and other aquatic birds such as dabbling ducks, American avocets and eared grebes migrate through the area. (AR-1)
- C. The Facility began operating as a commercial oil field waste disposal facility on October 26, 1985, following the issuance of Permit to Construct #84-568RRR, on August 31, 1985 (AR-2). Two additional Permits to Construct, #85-617 on January 2, 1986 (AR-3), and #86-246R on September 25, 1986 (AR-4), were subsequently issued by WDEQ.
- D. On September 3, 1993, Permit to Construct #91-318RRR (AR-5) was issued to install a spray system to enhance evaporation, two (2) separator tanks, a skirted boom, a truck unloading area and a discharge line.



- E. The Facility is currently comprised of a truck unloading area, one vertical separator tank, one vertical crude oil storage tank, three (3) screened horizontal oil/water separator half tanks, and a discharge line into an evaporation pit.
- F. In late 1996, EPA Region VIII, and the FWS Region VI formed a partnership (“EPA/FWS Team”) to explore methods to comprehensively address threats to human health and/or the environment posed by improperly designed and/or operated facilities that manage oil and gas exploration and production wastes (“E&P waste”).
- G. The FWS focus in this team effort is to implement the Migratory Bird Treaty Act, and the Endangered Species Act.
- H. The EPA focus is to ensure that all owners and operators of facilities managing E&P waste do so in compliance with all laws EPA has responsibility for implementing, and in a manner that is protective of human health and/or the environment.
- I. On June 19, 1997, EPA, FWS, and WDEQ conducted an inspection at the Facility and observed sheen and oil-stained banks around the entire perimeter of the evaporation pond which was twenty percent (20%) covered with oil (AR-6).
- J. On September 11, 1997, Timothy Eicher, Special Agent, FWS, conducted an inspection at the Facility and observed oil on the surface of the evaporation pond and one eared grebe mortality. A FWS Notice of Violation was issued on January 8, 1998, payment of \$250.00 was made by ODS on February 4, 1998, and destruction of the grebe carcass occurred on March 23, 1998 (AR-7).
- K. On February 4, 1998, EPA, FWS, and WDEQ representatives met in Cheyenne, Wyoming to discuss the status of all twenty (20) Wyoming commercial disposal facilities. It was decided that representatives from the three (3) agencies would conduct joint on-site inspections of nine (9) of these facilities, including the Facility (AR-8).
- L. On April 8, 1998, inspectors from EPA, FWS, and WDEQ inspected the Facility and observed an oil sheen between the booms, isolated pockets of oil and scum outside the boomed area, and black material on the banks of the evaporation pond (AR-9).
- M. ODS agreed to develop and to provide WDEQ an Operation and Maintenance Plan that would establish procedures for handling the accumulation of oil on the evaporation pond by June 8, 1998. (See, AR-8 and AR-9.) To date, a written Operation and Maintenance Plan has not been received.
- N. On October 19, 1999, WDEQ inspected the Facility and observed the oil on the evaporation pond west of the boom had been cleaned up, the water level was very low and appeared black in color, and the bird gun was not working (AR-10).



- O. On June 18, 2002, EPA and FWS inspected the Facility and observed an oily-sediment filled area with some oily wastewater in the upper portion of the evaporation pond behind the boom, light oily surface sheens and a concentrated oily area in the southwest portion of the evaporation pond, and inadequate netting over the open, horizontal, half-tank, oil/water separator which allowed for wildlife access (AR-11 and AR-12, respectively).
- P. During the June 18, 2002 inspection, the inspectors retrieved one (1) dead bird from the southwest portion of the evaporation pond, two (2) bird heads from the western and southern shorelines, and one (1) bird skull from the northern shoreline.
- Q. On September 16, 2002, EPA, FWS, and WDEQ conducted a meeting to discuss the site conditions and status of the Wyoming commercial disposal facilities, including the Facility (AR-13). The Agencies agreed that EPA should proceed with an order to require corrective measures.
- R. WDEQ conducted an inspection at the Facility on September 30, 2002, and observed a very low water level in the pond and a black “goo” which appeared to be the result of degraded oil. (See, AR-14 and AR-17.)
- S. In accordance with condition number 6 on permit number 91-318RRR, the Facility submitted the analytical test results from its October 28, 2002 annual sampling event (AR-15). The results showed sodium chloride at 61,800 mg/l, conductivity at 390,000 umhos/cm, and total dissolved solids at 98,400 mg/l.
- T. On December 3, 2002, FWS suggested that WDEQ obtain sodium level information at the Facility’s evaporation pond to ascertain if salt toxicosis could be an additional cause of bird mortality (AR-16).
- U. In a letter dated January 3, 2003, WDEQ notified ODS of its September 30, 2002 inspection findings and requested that ODS sample for sodium and TCLP metals in its 2003 annual sampling event (AR-17).
- V. In a letter dated February 10, 2003, ODS notified WDEQ that it had added two screened horizontal oil/water separator half tanks at the Facility and gated pipe in the discharge line to facilitate washing hydrocarbons from the south easterly banks of the evaporation pond in a westerly direction of the evaporation pond. which caused the “black goo” observed during the September 30, 2002 inspection (AR-18).

V. CONCLUSIONS OF LAW

- A. Respondent is a "person" within the meaning of section 1004(15) of the Act, 42 U.S.C. § 6903(15).
- B. Wastes received by, and handled at, the Facility are “solid waste[s]” as defined in Section 1004(27) of the Act, 42 U.S.C. § 6903(27).



- C. Respondent has contributed and/or is contributing to the handling, storage, treatment, transportation or disposal of solid waste at the Facility within the meaning of Section 7003 of the Act, 42 U.S.C. § 6973.
- D. Respondent's handling of solid waste at the Facility may present an imminent and substantial endangerment to health or the environment within the meaning of Section 7003 of the Act.

VI. ORDER

Based on the above, and on other information contained in the administrative record for this Order, EPA has determined that the activities required by this Order are necessary to protect human health and/or the environment. EPA, therefore, hereby orders Respondent to perform the work specified in this Order in the manner and by the dates specified herein. All work undertaken pursuant to this Order shall be performed in a manner consistent with this Order, including all documents incorporated herein pursuant to this Order, and all applicable laws.

VII. WORK TO BE PERFORMED

A. CORRECTIVE MEASURES

1. Within ten (10) calendar days of receipt of this Order, Respondent shall evaluate all corrective measures necessary at the Facility to protect wildlife (including migratory birds and endangered species), develop a Corrective Measures Work Plan (CMWP) and submit such CMWP to EPA for approval. The CMWP shall describe:
 - a. the selected corrective measures, including but not limited to the corrective measures described below in Paragraph A. 2. of this section;
 - b. an operations and maintenance plan which will result in uninterrupted effectiveness of the chosen corrective measures; and
 - c. the names and qualifications of the personnel and contractor(s) to be used in carrying out the work required by this Order. The CMWP shall demonstrate that the personnel and contractor(s) possess all appropriate qualifications.
2. The corrective measures shall include at a minimum, but not be limited to:
 - a. methods for permanently and continuously eliminating contact by wildlife with any oil at or on the surface of the evaporation pond and throughout the Facility, which may include remediation of shorelines, and regular and effective skimming of the pond to address floating oil sheens, thick, semi-crusted oily wastes, oily drilling mud, etc;



- b. remediation of oily shorelines and other ground surfaces; and
 - c. cleaning up and properly disposing of any oil-stained/oil-contaminated soils and other wastes generated at the Facility.
- 3. The CMWP shall specify that the corrective measures set forth in Section VII. A. 2. a.-c., above, shall be implemented within ten (10) calendar days of EPA approval of the CMWP.
- 4. EPA will notify Respondent in writing of any comments it may have on the CMWP which must be incorporated into the CMWP before it can be approved.
- 5. Respondent shall incorporate EPA's comments into the CMWP and resubmit the CMWP to EPA within five (5) calendar days of receipt of EPA's comments.
- 6. Upon receipt of Respondent's CMWP with EPA comments incorporated, EPA will notify Respondent in writing of its approval, approval with modifications or disapproval of the CMWP. If approved with modifications, the EPA notification correspondence will serve as an addendum to the final CMWP.
- 7. Upon receipt of EPA's written approval or approval with modifications, Respondent shall implement the corrective measures in accordance with the procedures and schedules contained in the CMWP as approved by EPA.
- 8. Within fifteen (15) calendar days of completing the work as set forth in the CMWP as approved by EPA, Respondent shall provide a written Corrective Measures Summary Report to EPA detailing, and confirming through photographic evidence, the completion of the activities conducted pursuant to the CMWP. The Corrective Measures Summary Report and photographs shall demonstrate the adequate installation, coverage and integrity of the corrective measures implemented.

B. EMERGENCY ACTION

- 1. In the event Respondent identifies a threat to human health and/or the environment at the Facility at any time during implementation of this Order which warrants more immediate action than pursuant to any requirement of this Order, Respondent shall orally notify the EPA Project Manager identified below not more than twenty-four (24) hours after discovery and notify EPA, FWS, and WDEQ in writing not more than ten (10) days after such discovery, summarizing the nature, immediacy and magnitude of such threat(s). Threats to the environment shall include the discovery of any mortality of any animal subject to the Endangered Species Act or the Migratory Bird Act at the Facility.
- 2. Proper notification, as required in this section, does not relieve Respondent of any other notification responsibility Respondent may have under any other law,



including, but not limited to, Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, or Section 304 of the Emergency Planning and Community Right to Know Act (EPCRA), as amended.

3. If EPA determines that immediate action is required, the EPA Project Manager may orally authorize and require Respondent to take actions to abate the threat(s).
4. If EPA, FWS, or WDEQ identifies such a threat(s) at the Facility at any time during implementation of this Order, EPA will notify Respondent orally, and provide subsequent notification in writing. If EPA determines that immediate action is required, the EPA Project Manager may orally authorize and require Respondent to take actions to abate the threat(s).
5. Any oral requirements made pursuant to this subsection shall be immediately incorporated into this Order by reference and are immediately enforceable, unless EPA does not provide to Respondent in writing, a description of such requirements within ten (10) calendar days of oral notification.

C. ADDITIONAL WORK

If EPA determines that additional work is necessary, EPA will inform Respondent of such additional requirements in writing, and Respondent shall conduct such work according to EPA direction.

D. PUBLIC PARTICIPATION

EPA may make any work plan or other document available to the public for review and comment for an appropriate period prior to taking final action on such document.

E. REPORTING

1. Commencing the first full month after the effective date of this Order, Respondent shall provide EPA, FWS, and WDEQ with monthly progress reports which shall include, at a minimum, the following information:
 - a. activities conducted at the Facility in the previous month;
 - b. summaries of problems encountered during the previous month and how the problems were or are being addressed;
 - c. changes in work performed at the Facility from that projected in the previous monthly progress report; and
 - d. projected work for the next reporting period.



2. These progress reports are to be submitted by the tenth calendar day of the month following the monthly reporting period.

F. CERTIFICATION

1. Any notice, report, certification, data presentation, or other document submitted by Respondent pursuant to this Order which discusses, describes, demonstrates, or supports any finding or makes any representation concerning Respondent's compliance or noncompliance with any requirement of this Order shall be certified by a duly authorized representative of ODS. A person is a "duly authorized representative" only if: (1) the authorization is made in writing; (2) the authorization specifies either an individual or position having responsibility for overall operation of the Facility or activity (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and (3) the written authorization is submitted to the EPA Project Manager designated below.
2. The certification shall be in the following form:

I certify that the information contained in or accompanying this **[type of submission]** is true, accurate, and complete. As to [the/those identified portion(s)] of this **[type of submission]** for which I cannot personally verify **[its/their]** accuracy, I certify under penalty of law that this **[type of submission]** and all attachments were prepared in accordance with procedures designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, or the immediate supervisor of such person(s), the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature : _____

Name : _____

Title : _____

VIII. ACCESS

Respondent shall permit full access to EPA, FWS, WDEQ, and the County, and their authorized representatives, as may be necessary for the purposes of oversight of and implementation of this Order.



IX. GENERAL PROVISIONS

- A. All plans and documents submitted under any section of this Order shall, upon approval by EPA, be incorporated by reference into this Order as if set forth fully herein.
- B. Respondent shall obtain any permits or approvals which are necessary to perform work on or outside the Facility under applicable law and shall submit timely applications and requests for any such permits and approvals.
- C. Respondent shall employ sound scientific, engineering, and construction practices and principles under this Order.

X. AVAILABILITY AND RETENTION OF INFORMATION

- A. Respondent shall make available to EPA, and shall retain, during the pendency of this Order and for a period of five (5) years after its termination, all records and documents in its possession, custody, or control, or in the possession, custody or control of their contractors and subcontractors, which relate to the performance of this Order, including but not limited to documents reflecting the results of any sampling, tests, or other data or information generated or acquired by Respondent, or on Respondent's behalf, with respect to the implementation of this Order.
- B. After the document retention period, Respondent shall notify EPA at least ninety (90) calendar days prior to the destruction of any such documents and, upon request by EPA, shall deliver the documents to EPA.

XI. CONFIDENTIALITY CLAIMS

Respondent may assert confidentiality claims pursuant to 40 C.F.R. Part 2. Information determined to be confidential by EPA will be afforded the protection specified in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, the public may be given access to such information without further notice to Respondent.

XII. AVAILABILITY OF ADMINISTRATIVE RECORD

The administrative record supporting this Order shall be available for public review at the RCRA File Room, EPA Region VIII, 999 18th Street, Denver, Colorado from 8 a.m. to 5 p.m., every Federal business day.

XIII. NOTICES, CONTACTS, AND EPA PROJECT MANAGER

Whenever under the terms of this Order, notice is required to be given, and/or a report or other document is required to be forwarded by one party to another, such correspondence shall be sent by certified mail or hand carried to the following individuals at the addresses specified below.



The following EPA person is designated as the Project Manager for EPA for this Order.

As to EPA:

Mr. Randy Lamdin
EPA Region VIII, 8ENF-T
999 18th Street, Suite 300
Denver, Colorado 80202-2466
(303) 312-6350

As to FWS:

Mr. Pedro Ramirez, Jr.
Ecological Services
Wyoming Field Office
U.S. Fish & Wildlife Service
4000 Airport Blvd.
Cheyenne, WY 82001
(307) 772-2374 ext. 36

As to WDEQ:

Mr. Gary Beach, Administrator
Water Quality Division
Wyoming Department of Environmental Quality
Herschler Building, 4th Floor
122 West 25th Street
Cheyenne, Wyoming 82002
(307) 777-7781

If the date for submission of any item or notification required by this Order falls upon a weekend or state or Federal holiday, the time period for submission of that item or notification is extended to the next Federal working day following the weekend or holiday.

XIV. RESERVATION OF RIGHTS

- A. Nothing in this Order shall limit the information gathering, access, and response authority of the United States under any other applicable law, nor shall it limit the authority of EPA to issue additional orders to Respondent as may be necessary.
- B. This Order shall not be construed as a waiver or limitation of any rights, remedies, powers and/or authorities which EPA has under the Act, CERCLA or any other applicable law.
- C. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights, remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any applicable laws and regulations and with any of the requirements of this Order, including but not limited to, the right to disapprove of work performed by Respondent, to request that Respondent perform additional tasks, and the right to perform any portion of the work herein.
- D. Compliance by Respondent with the terms of this Order shall not relieve Respondent of its obligation to comply with the Act and/or any other applicable State, Federal, or other law, regulation, permit, or other requirement.



XV. FAILURE TO COMPLY

Pursuant to Section 7003(b) of the Act and 40 C.F.R. Part 19, any failure by Respondents to comply with this Order shall subject Respondents to civil penalties of not more than \$5,500.00 for each day of each failure to comply with this Order.

XVI. OPPORTUNITY TO CONFER, AND MODIFICATION

- A. Respondent has the opportunity to confer informally with EPA concerning the terms and applicability of this Order. If Respondent desires a conference, Respondent must contact EPA Region VIII by telephone to schedule such a conference within five (5) calendar days of receipt of this Order by Respondent and follow up this request in writing immediately thereafter.
- B. This conference is not an evidentiary hearing, and does not constitute a proceeding to challenge this Order. It does not give Respondent a right to seek review of this Order, or to seek resolution of potential liability, and no official stenographic record of the conference will be made. At any conference held pursuant to Respondent's request, Respondent may appear in person or by an attorney or other representative.
- C. If EPA determines that any element of this Order, including work to be performed or schedules, warrants modification after a conference is held, EPA will modify the order in writing, file the modification with the Regional Hearing Clerk and issue a copy to Respondents.
- D. Except as otherwise provided in this Order, no modification to this Order shall be effective unless and until it is issued in writing by EPA and filed with the Regional Hearing Clerk.

XVII. NOTICE OF INTENT TO COMPLY

- A. Respondent shall provide, within two (2) days from receipt of this Order, or within twenty-four (24) hours from the date Respondent confers with EPA pursuant to this section of the Order, written notice to Mr. Randy Lamdin, at the address set forth above, stating whether Respondent will comply with the terms of this Order. The absence of a response by EPA to the notice required by this paragraph shall not be deemed to be acceptance of any assertions that Respondents may make in its notice, and shall not affect Respondent's obligation to implement this order.
- B. Failure of Respondent to provide notification to EPA's Project Manager of intent to comply within this time period is a violation of this Order.

XVIII. NOTICE OF NON-LIABILITY OF EPA

EPA shall not be deemed a party to any contract involving Respondent and relating to



activities at the Facility and shall not be liable for any claim or cause of action arising from or on account of any act, or the omission of Respondent, its employees, contractors, receivers, trustees, agents or assigns, in carrying out the activities required by this Order.

XIX. SEVERABILITY

If any provision or authority of this Order or the application of this Order to any party or circumstance is held by any judicial or administrative authority to be invalid, the application of such provision to other parties or circumstances and the remainder of this Order shall not be affected thereby and shall remain in full force.

XX. EFFECTIVE DATES

- A. This Order shall become effective on the date this Order is filed with the Regional Hearing Clerk and mailed to Respondent.
- B. Modifications made by EPA to this Order are effective on the date such modification is filed with the Regional Hearing Clerk, so long as Respondent is sent a copy by certified mail or has hand delivered to it a copy of the modification as expeditiously as possible after the modification is filed with the Regional Hearing Clerk.

XXI. TERMINATION AND SATISFACTION

The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from EPA that Respondent has demonstrated, to the satisfaction of EPA, the terms of this Order, including any additional tasks determined by EPA to be required pursuant to this Order, have been satisfactorily completed. This notice shall not, however, terminate Respondent's continuing obligations hereunder, including, but not limited to: record retention, reservations of rights, other claims, other applicable laws, and notice of non-liability of EPA.

IT IS SO ORDERED:

ENVIRONMENTAL PROTECTION AGENCY
REGION VIII

Date: 5-27-03

By: SIGNED
Sharon L. Kercher, Director
Technical Enforcement Program

Date: 5/23/03

By: Michael T. Risner for/
David J. Janik
Senior Supervisory Attorney



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ATTACHMENT 1

Administrative Record Index

to

Initial Administrative Order
Docket No. RCRA-8-2001-01

October 17, 2000

- AR-1 E- mail transmission from Pedro Ramirez, Jr., Environmental Contaminants Specialist, Ecological Services, USFWS, to Brenda Morris, Attorney, USEPA, dated March 31, 2003, regarding the bird species list for Washakie County, Wyoming, updated March 4, 2003;
- AR-2 WDEQ Permit to Construct a bentonite lined produced water disposal pond issued on August 31, 1985 (#84-568RRR);
- AR-3 WDEQ Permit to Construct a groundwater monitor network issued on January 2, 1986 (#85-617);
- AR-4 WDEQ Permit to Construct a disposal pit to accept all drilling and reserve pit fluids issued on September 25, 1986 (#86-246R);
- AR-5 WDEQ Permit to Construct a spray system to enhance evaporation, two (2) separator tanks, a skirted boom, a truck unloading area and a discharge line (#91-318RRR);
- AR-6 EPA Inspection Report prepared by Corbin Darling, dated June 19, 1997, showing sheen and oil-stained banks around the entire perimeter of the evaporation pond which was twenty percent (20%) covered with oil. (Photographs are attached.)
- AR-7 Report of Investigation by Timothy Eicher, Special Agent, FWS, dated April 15, 1998, regarding inspection and bird mortality at the Facility on September 11, 1997, Notice of Violation on January 8, 1998, payment of \$250.00 on February 4, 1998, and destruction of grebe carcass on March 23, 1998;
- AR-8 Memorandum from Larry Robinson, Program Manager, WDEQ, dated May 4, 1998, regarding commercial oil field facilities and compliance with the Migratory Bird Act and other authorities of the EPA and WDEQ. The memorandum, in part, discusses conditions at the ODS site the previous summer as being unusual and cites to oil on the evaporation pond. WDEQ requested, and ODS agreed, to provide an Operation and Maintenance Plan by June 8, 1998.



- AR-9 EPA Inspection Report prepared by Science Applications International Corporation (SAIC) on December 15, 1998, covering the inspection that took place on April 8, 1998, documenting an oil sheen between the booms, isolated pockets of oil and scum outside the boomed area, and black material on the banks of the evaporation pond at the Facility. (Photographs are attached.)
- AR-10 WDEQ Inspection Report prepared by Jeff Hermansky, dated October 19, 1999, documenting that the area west of the boom was oil-free, the water level in the evaporation pond was very low, and the bird gun was not working.
- AR-11 EPA Inspection Report prepared by Randy Lamdin, dated December 30, 2002, covering the inspection that took place on June 18, 2002, documenting an oily-sediment filled area with some oily wastewater in the upper portion of the evaporation pond behind the boom, light oily surface sheens and a concentrated oily area in the southwest portion of the evaporation pond, and inadequate netting over the open, horizontal, half-tank, oil/water separator which allowed for wildlife access. Additionally, four bird mortalities (one oil-covered bird, one bird skull, and two bird heads) were recovered. (Photographs are attached.)
- AR-12 FWS Inspection Report prepared by Pedro Ramirez, Jr., dated June 18, 2002, documenting the site conditions and identifying the bird mortalities and locations of the mortalities. (Photographs are attached.)
- AR-13 Oil and Gas Environmental Assessment (OGEA) Team EPA, FWS, WDEQ Teleconference Meeting Minutes of September 16, 2002, discussing the Facility status and proposed action.
- AR-14 E-mail dated December 2, 2002, from Jeff Hermansky, WDEQ, to Pedro Ramirez, FWS, regarding WDEQ's September 30, 2002 inspection, and the Facility's annual water quality sampling event showing high levels of chloride, conductivity, and total dissolved solids (TDSs).
- AR-15 Energy Laboratories, Inc.'s analytical report dated November 13, 2002, from the Facility's October 28, 2002 annual sampling event, which included sampling of chloride, sulfate, conductivity, pH, total dissolved solids, radium 226, total petroleum hydrocarbons, and total organic halides.
- AR-16 E-mail from Pedro Ramirez to Jeff Hermansky dated December 3, 2002, regarding ODS Water Quality Data with short narrative on salt toxicosis.
- AR-17 WDEQ letter dated January 3, 2003, to Janette King, ODS, regarding WDEQ's September 30, 2002 inspection findings.
- AR-18 ODS letter dated February 10, 2003, to WDEQ regarding the "black goo" and proposed corrective actions.



**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE ON
JUNE 12, 2003.**

